

Docket No. 01-008

#3
1-2-02
ADORES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:

DEC 27 2001

Leah M. Miller, et al.

SERIAL NO.: 09/844,530

FILED: April 27, 2001

Art Unit 2841

Examiner: Ishwarbhai B. Patel

FOR: Ball Assignment for Ball Grid Array Package

ASSISTANT COMMISSIONER OF PATENTS

Washington, D.C. 20231

Dear Sir:

RESPONSE TO OFFICIAL ACTION

Restriction Requirement under 35 U.S.C. §121

This response is presented to the Official action, mailed December 5, 2001, wherein the Examiner required restriction pursuant to 35 U.S.C. §121. Election is hereby made, with traverse, to prosecute claims 11-25 (Group II). Thus, claims 1-10 are withdrawn from consideration. Reconsideration is requested.

MPEP §803 lists two criteria that **must** be present for restriction to be proper:

1. The invention must be independent or distinct; **and**
2. There must be a serious burden on the examiner if restriction is not required.

In searching the Group I claims, the class and subclass for the Group II claims will undoubtedly be searched, to ensure that no relevant art is overlooked. For this reason there is no significant burden on the Examiner, and certainly no serious burden as required by MPEP §803. In fact, maintaining the requirement not only burdens applicants with the additional costs associated with filing and prosecuting separate patent applications, but also requires the examiner to duplicate efforts by examining multiple applications of closely related inventions. Such practice not only wastes public and private funds and Patent Office resources, but also leads to

RECEIVED
DEC 31 2001
TO 2800 MAIL ROOM

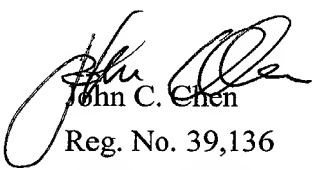
Docket No. 01-008

the possibility of inconsistent examinations of closely related inventions. Accordingly, Applicants respectfully request that the examiner reconsider and withdraw the restriction requirement.

Additionally, Applicants elect with traverse to prosecute what is called the species of claims 11-25. Since claims 11-25 have not been held to be unpatentable, prosecution on the merits of all claims should move forward at this time.

In light of the foregoing, the Applicants respectfully submit that a full and complete response to the pending Office action is provided herein and request that the application proceed to examination.

Respectfully submitted,
LSI LOGIC CORPORATION



John C. Chen

Reg. No. 39,136

(408) 433-6446

LSI LOGIC CORPORATION

1551 McCarthy Blvd.

Milpitas, CA 95035

December 13, 2001